



PATENT  
Attorney Docket No. FJN-060DV2  
(3999/63)

#26  
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AUG 20 2001  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Goto et al.  
SERIAL NO.: 09/338,063 GROUP NO.: 1644  
FILING DATE: June 23, 1999 EXAMINER: Ewoldt, G.  
TITLE: NOVEL PROTEINS AND METHODS FOR PRODUCING THE  
PROTEINS

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

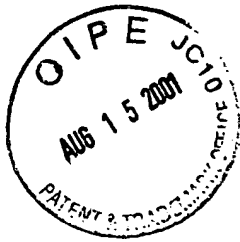
In response to the Notice to File Missing Parts in the above-referenced patent application mailed from the U.S. Patent Office on March 20, 2001, Applicants submit herewith a check in the amount of \$840.00 to cover the filing fee and surcharge fee. Applicants believe that no additional fees are due. Should Applicants be in error, please charge deposit account number 20-0531.

Respectfully submitted,

Date: April 19, 2001  
Reg. No. 44,244

Tel. No.: (617) 248-7044  
Fax No.: (617) 248-7100

Ronda P. Moore, D.V.M.  
Ronda P. Moore, D.V.M.  
Attorney for Applicants  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110



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SERIAL NO.: 09/338,063 GROUP NO.: 1644  
FILING DATE: June 23, 1999 EXAMINER: Ewoldt, G.  
TITLE: NOVEL PROTEINS AND METHODS FOR PRODUCING THE  
PROTEINS

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS MAILED FROM  
THE U.S. PATENT OFFICE ON JUNE 18, 2001**

Sir:

Applicants have received a Notice to File Missing Parts in the above-referenced continued prosecution application (CPA) that was mailed from the U.S. Patent Office on June 18, 2001. Applicants already responded on April 19, 2001 to yet another Notice to File Missing Parts mailed from the U.S. Patent Office on March 20, 2001 for the same CPA. Applicants' Response on April 19, 2001 to the March 20, 2001 Notice was mailed to the U.S. Patent Office with a copy of Applicants' Response, a check in the amount of \$840.00 dated April 18, 2001 to cover the basic filing fee and surcharge under 37 C.F.R. §1.16(e), and a postcard. A copy of the Response, canceled check and postcard date-stamped by the Patent Office as having been received by the Patent Office on April 23, 2001 is attached at Exhibit A.

Applicants submit that the Notice to File Missing Parts in the above-referenced patent application mailed from the U.S. Patent Office on June 18, 2001 is a Patent Office mistake. Applicants believe that the requirement for filing a CPA under 37 C.F.R. §1.53(d) was fully met in their Response dated April 19, 2001 and received by the U.S. Patent Office on April 23, 2001.

**CONCLUSION**

Applicants respectfully request that the filing date of June 23, 1999 be accorded this application, and that the application be moved forward in the examination que.

Should the Examiner have any questions concerning this paper or the application, the Examiner is asked to telephone the undersigned representative at (617) 248-7044.

Respectfully submitted,

Date: August 13, 2001  
Reg. No. 44,244

Tel. No.: (617) 248-7044  
Fax No.: (617) 248-7100

Ronda P. Moore, D.V.M.  
Ronda P. Moore, D.V.M.  
Attorney for Applicants  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

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PATENT  
(FJN-060DV2)

The "RECEIVED" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Certificate of First Class Mailing (1 page); Transmittal Form (1 page); Fee Transmittal (1 page); Response to Notice to File Missing Parts (1 page); Copy of Notice to File Missing Parts (1 page); and Check in the amount of \$840.00.

Name of Applicant: Goto et al.

Intf. or Serial Number: 09/338,063

Atty: CCVito / RPMoore

Date: April 19, 2001

2073485





Attorney Docket No. FJN-0500 DV2  
(379/63)

PATENT

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AUG 20 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Goto et al.  
SERIAL NO.: 09/338,063 GROUP NO.: 1644  
FILING DATE: June 23, 1999 EXAMINER: Ewoldt, G.  
TITLE: NOVEL PROTEINS AND METHODS FOR PRODUCING THE PROTEINS

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231 on this 13th day of August, 2001.

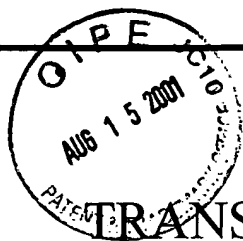
*Julie Heschover*

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith is/are:

Transmittal Form (1 pg.); Response to Notice to File Missing Parts Mailed from the U.S. Patent Office on June 18, 2001 (2 pgs.), with Exhibit A; and postcard.



# TRANSMITTAL FORM

Application Serial Number	09/338,063
Filing Date	June 23, 1999
First Named Inventor	Goto et al.
Group Art Unit	1644
Examiner Name	Ewoldt, G.
Attorney Docket No.	FJN-060DV2
BATCH NO. (after allowance)	Not applicable
Patent No.	Not applicable
Issue Date	Not applicable

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AUG 20 2001

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## ENCLOSURES (check all that apply)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Check Attached<br><input type="checkbox"/> Copy of Fee Transmittal Form<br><br><input type="checkbox"/> Amendment/Response<br><input type="checkbox"/> Preliminary<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]<br><br><input type="checkbox"/> Petition for Extension of Time<br><br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Form PTO-1449<br><input type="checkbox"/> Copies of IDS Citations<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Sequence Listing submission<br><input type="checkbox"/> Paper Copy/CD<br><input type="checkbox"/> Computer Readable Copy<br><input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)<br><br><input type="checkbox"/> Formal Drawing(s)<br><br><input type="checkbox"/> Request For Continued Examination (RCE) Transmittal<br><br><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application<br><br><input type="checkbox"/> Small Entity Statement<br><br><input type="checkbox"/> CD(s) for large table or computer program<br><br><input type="checkbox"/> Amendment After Allowance<br><br><input type="checkbox"/> Request for Certificate of Correction<br><input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences<br><br><input type="checkbox"/> Appeal Brief (in triplicate)<br><br><input type="checkbox"/> Status Inquiry<br><br><input checked="" type="checkbox"/> Return Receipt Postcard<br><input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8<br><br><input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8<br><br><input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)<br><br><input checked="" type="checkbox"/> Response to Notice to File Missing Parts Dated June 18, 2001 with Exhibit A |
|---|--|---|

## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Date: August 13, 2001  
Reg. No. 44,244  
Tel. No.: (617) 248-7044  
Fax No.: (617) 248-7100

Respectfully submitted,

*Ronda P. Moore, D.V.M.*  
Ronda P. Moore, D.V.M.  
Attorney for Applicants  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

# **FREE TRANSMITTAL** **FY 2001**

AUG 15 2001

Complete Known  
Application Serial Number 09/338,063  
Filing Date June 23, 1999  
First Named Inventor Goto et al.  
Group Art Unit 1644  
Examiner Name Ewoldt, G.  
Attorney Docket No. FJN-060DV2

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## **METHOD OF PAYMENT**

- ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other
- ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.  
☐ Required Fees (copy of this sheet enclosed).  
☒ Additional fee required under 37 CFR 1.16 and 1.17.  
☐ Overpayment Credit.
- ☐ Applicant claims small entity status.

## **FEE CALCULATION**

### **1. FILING FEE**

Large Entity Fee (\$)	Fee Description	Fee Paid
710	Utility filing fee	710.00
320	Design filing fee	
150	Provisional filing fee	

Total Claims	Number Filed	Number Extra	Rate	Amount
	- 20 =		x \$ 18.00 =	

Independent Claims				
	- 3 =		x \$ 80.00 =	

☐ Multiple Dependent Claim(s), if any \$270.00 =

TOTAL: 710.00

### **SMALL ENTITY DISCOUNT:**

SUBTOTAL (1) (\$) 710.00

### **2. AMENDMENT CLAIM FEES**

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
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Total = x \$ 18.00 =

Indep. = x \$ 80.00 =

☐ First Presentation of Multiple Dep. Claim + \$270.00 =

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 0

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	130.00
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for reexamination	
110	55	Extension for reply within first month	
390	195	Extension for reply within second month	
890	445	Extension for reply within third month	
1,390	695	Extension for reply within fourth month	
1,890	945	Extension for reply within fifth month	
310	155	Notice of Appeal	
310	155	Filing a brief in support of an appeal	
270	135	Request for oral hearing	
130	130	Petitions to the Commissioner	
50	50	Petitions related to provisional applications	
180	180	Submission of Information Disclosure Statement	
710	355	Filing a submission after final rejection (37 CFR 1.129(a))	
710	355	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (Specify)

Other fee (Specify)

SUBTOTAL (3) (\$) 130.00

SUBTOTAL (1) 710.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 130.00

TOTAL (\$) 840.00

## **CORRESPONDENCE ADDRESS**

Direct all correspondence to:

Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower-125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

## **SIGNATURE BLOCK**

Respectfully submitted,

*Ronda P. Moore, D.V.M.*  
Ronda P. Moore, D.V.M.  
Attorney for the Applicants  
Testa, Hurwitz & Thibault, LLP  
High Street Tower-125 High Street  
Boston, MA 02110

Date: April 19, 2001  
Reg. No.: 44,244  
Tel. No.: (617) 248-7044  
Fax No.: (617) 248-7100

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TESTA, HURWITZ & THIBEAULT, LLP

HIGH STREET TOWER

125 HIGH STREET

BOSTON MA 02110

PATENT DEPARTMENT  
TESTA, HURWITZ & THIBEAULT, LLP  
HURWITZ & THIBEAULT, LLP

EWOLDT, G

1644

03/20/01





DATE MAILED:

**NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)**  
**Filing Date Granted**

The Continued Prosecution Application (CPA) request filed on \_\_\_\_\_ is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

☐ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

(a) Applicant must submit \$ 710 to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ \_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

☐ 2. Additional claim fees of

\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ independent claims over 3.  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ claims over 20.  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.
- ☐ 5. Other: \_\_\_\_\_

**A copy of this Notice MUST be returned with the reply.**

Direct the reply and any questions about this Notice to:

Kim Downing  
Examining Group 1644

(703) 306-4086

